

REMARKS

Claims 1-4, 6-10, 12-20, and 22-27 are pending in the application.

Claim Rejection 35 U.S.C. § 103

35 U.S.C. § 103(a)

When applying 35 U.S.C. §103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. *See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Claims 1-4, 6-10, 12, and 23-27 stand rejected over Levine (United States Patent Number 5,692,214), hereinafter Levine, in view of Ellis et al. (United States Patent Number 5,986,650), hereinafter Ellis. The rejection is respectfully traversed.

Claim 1 is reproduced herein below, as it appears the Office has misapprehended the claim.

Claim1:

A method, comprising:
registering an application with an electronic program guide;
associating the application with an event;
while receiving information from a selected information source, monitoring event related information for an occurrence of the event; and
upon an occurrence of the event, causing an operation of the application to be executed.

Ellis fails to teach registering an application with an electronic program guide. Instead Ellis on the whole teaches a system which waits for a down-load if program guide software is not present (i.e. the system down-loads the program guide). Thus, Ellis cannot register an application with an EPG because the EPG is not resident in memory. Therefore an application cannot be registered or associated with the EPG. Instant Application, Page 8,

lines 3-4. In the previous example, there is no program guide to associate an application with and the Ellis system must conduct a boot-strap operation to obtain the program guide. At no time does the asserted combination of Levine/Ellis teach or suggest associating an application to be executed with an EPG. Rather, the combination Levine/Ellis on the whole merely teaches down-loading a program guide, if none is present in memory. The Office is incorrectly attempting to equate the boot-strap down-load of a program guide with the recited limitation of registering an application with an EPG.

Further, it appears that the Office misapprehends the Applicant's position when it is asserted that Applicant is attempting to "read-in" limitations from the written description. Instant Action Page 9. Rather, Applicant is merely attempting to illustrate how the Office has misapprehended the meaning of the claim language and thus improperly applied the cited references. Specifically, the method of Claim 1 recites registering an application with an electronic program guide (EPG). . . associating the application with an event. . . upon occurrence of the event, causing an operation of the application to be executed. For example, an application to be executed is linked with the (EPG) so that upon the occurrence of an event the application is executed. Instant Specification Page 8, lines 1-3. An example of this includes linking the launching of an application (i.e., a program of instructions which causes a program guide to be displayed, providing filtered program information, displaying a channel specific program guide, etc.) with an EPG so that the application is executed upon the occurrence of the specified event (e.g., the close of a show's credits. Instant Application, Page 8, lines 13-30 and Page 10, lines 8-11. In further examples of the method of Claim 1, the launching of an application may result generally in the net termination of an application (Claim 4). Instant Application, Page 10, lines 8-11.

As the Instant Action is merely a reiteration of the previous action, Applicant respectfully reasserts his arguments forwarded on March 10, 2004. In light of the foregoing, a *prima facie* case of obviousness does not exist and the rejection is improper. Removal of the pending rejection and allowance of the claims is respectfully requested.

Claims 13-20 and 22 stand rejected over Lawler et al. United States Patent 5,585,838 (hereinafter Lawler) in view of Ellis. Applicant traverses. As argued above, Ellis fails to teach an apparatus for providing an EPG including means for responsive to the occurrence of the predetermined event, for implementing an operation of an application registered with an electronic program guide. Ellis teaches a system including boot-strap software which waits for a down-load if a program guide is not available. In other words the Ellis system is incapable of operating to register an application with an EPG. Ellis specifically notes that the software may only be utilized to carry out functions not requiring the "program schedule information data". Ellis, Col. 6 lines 20-27. In contrast, the apparatus as recited in Claim 13 recites a system which includes means capable of registering an application with an electronic program guide. Ellis teaches that the program may wait for a down-load rather than an application which is associated with an EPG. As such, a *prima facie* case of obviousness does not exist and the rejection is improper. Removal of the pending rejection and allowance of the claims is respectfully requested.

CONCLUSIONS

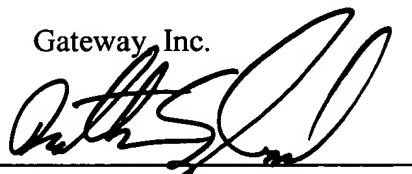
In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

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Respectfully submitted,
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